

TOWN OF TEWKSBURY

2014

Community Preservation Committee

Annual Report



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## **The Community Preservation Act: A Brief Overview for Tewksbury**

The Community Preservation Act (CPA), MGL Chapter 44B, enables communities to establish, through a ballot referendum, a local Community Preservation Fund dedicated to historic preservation, low and moderate income housing, and open space including active and passive recreational uses.

As Massachusetts continues to grow, each of its 351 cities and towns face the challenge of meeting critical community needs. Affordable housing, historic character, vital land and water resources, and recreational amenities are essential quality of life issues for residents. Passed in 2000 by the State, the Community Preservation Act (CPA) is a critical tool to enable communities to meet these needs.

CPA also helps strengthen the state and local economies by expanding housing opportunities to meet the needs of residents and employers, adding construction jobs for the Commonwealth's workforce, and by supporting the tourism industry through preservation of the Commonwealth's historic and natural resources.

The Town of Tewksbury adopted the Community Preservation Act at Town Meeting and at the ballot in 2006.

Tewksbury's adopted surcharge rate is 1.5% out of the possible 3% maximum. With this rate, we also adopted the:

- Residential exemption of the first \$100,000 of the assessed value from the surcharge and
- Low income exemption.

The CPA statute also creates a statewide Community Preservation Trust Fund, administered by the Department of Revenue (DOR). The State's Community Preservation Trust is funded through fees at the Registry of Deeds and Land Court, as well as other dollars approved by the State from time to time.

While local adoption of the Act is optional, the Commonwealth is providing, as an incentive, state matching funds. This funding incentive will match up to 100% of the money raised annually by a community through its surcharge. The match percent varies depending on the total amount received from the Registry of Deeds and if so, the State.

The Act allows communities to spend the CPA funds for open space protection, historic preservation, affordable housing and outdoor recreation.

Each CPA community creates a local Community Preservation Committee (CPC) upon adoption of the Act. Tewksbury's 7 member board as provided in the Statute and as adopted is comprised of:

- 1 Member of the Board of Selectmen
- 1 Member of the Planning Board
- 1 Member of the Historic Commission
- 1 Member of the Conservation Commission
- 1 Member of the Tewksbury Housing Authority
- 1 Representative of the Parks Department, the Town Manager
- 1 Citizen-at large, appointed by the Selectmen

The CPC makes recommendations on CPA projects to the Tewksbury's legislative body, Town Meeting as required in the Act.

The following are examples of CPA fund uses.

#### Open Space

CPA funds can be used to purchase land or easements in order to protect existing and future water supply areas, agricultural and forest lands, frontage to water bodies, habitats, nature preserves, and scenic vistas.

#### Recreation

CPA funds can be allotted for recreational uses. Lands can be purchased for active and passive recreational uses, including land for community gardens, trails, and non-commercial youth and adult sports such as parks, playgrounds, or athletic fields. New legislation, passed in 2012, allows CPA to be used for rehabilitation of existing Recreational Facilities.

#### Historic Preservation

CPA funds may be used to purchase, restore, and rehabilitate historic structures and landscapes identified by the local historic preservation commission or state register of historic places.

#### Affordable Housing

CPA funds may be used to create and preserve affordable housing for low and moderate income individuals and families, including low or moderate income senior housing.

### Requirements- Summarized

The CPA is designed to maximize spending flexibility to enable each community to meet its unique needs. A minimum of 10% of annual funds must be spent for each category of historic preservation, affordable housing, and open space. The remaining 70% of funds may be spent in any category. A community may reserve these funds to be spent in later years.

### The Local Spending Procedure- Summarized

Proposals for CPA funded projects are submitted to the CPC for their review, approval and submission to the Town Meeting Warrant.

## **COMMUNITY PRESERVATION COMMITTEE**

### **2013 ANNUAL REPORT**

The Community Preservation Committee (“CPC”) includes representatives from town boards and committees and one at large citizen member. In 2013, the CPC members were: Nancy Reed, Donna Pelczar, Doug Sears, Tom Churchill, Linda Brabant, Steve Deackoff and Richard Montuori.

The Community Preservation Act (“CPA”, MGL Chapter 44B) is statewide enabling legislation allowing cities and towns in the Commonwealth of Massachusetts to adopt a property tax surcharge with revenues from this surcharge (plus state matching funds) to be used for open space preservation, creation of community housing, preservation of historic buildings and landscapes, and creation of recreation opportunities.

The CPC requires that all proposed projects be eligible for CPA funding according to the requirements described in the legislation. At least 10% of the funds received in any fiscal year must be spent or set aside for each of the first three of those areas (open space, historic preservation and community housing). The remaining 70% of each year’s funds can be spent or reserved in any of the four areas. In addition, up to 5% of the annual Community Preservation revenues can be spent on administrative and operating expenses of the CPC.

All CPA funding requests require the recommendation of the project by the CPC to Town Meeting, and a majority vote of Town Meeting.

The CPC is currently overseeing or saw completion of the following projects in 2013 that were awarded by previous Annual Town Meetings (ATM) and Special Town of Meetings (STM):

- Livingston Parks/Recreation, Drainage – Awarded STM, May 9, 2007 - \$150,000. Recreation sought funds to keep the park’s land areas from further harm by providing proper drainage to the Recreation areas that are threatened due to improper drainage. Costs also include Survey and Engineering. This project is currently pending land transfer from the State of Massachusetts. The State has agreed to transfer this land, as of this writing, the Town and the CPC await final deed transfer to move ahead with this project.

- Town Hall Rehabilitation Project – Awarded STM Oct. 5, 2010. The Town of Tewksbury sought funds to rehabilitate our historic Town Hall. CPA funds were approved at town meeting totaling \$6,103,303. This project honors the historic architectural significance of the structure and its surroundings, while serving future residents in a manner consistent with its original intended use. In 2011 a Project Management firm was selected, in 2012 an Architect was chosen. Continued design will proceed and construction is anticipated to begin in 2014.
- Long Pond Remedial Action Section 319 Grant Application Matching Funds – Awarded STM October 2009, \$120,000 from the Community Preservation Fund's Open Space Reserve Account to be expended subject to a successful Clean Water Act, Section 319 Grant Award of up to \$225,000 for implementation of approximately 25 of the 164 restorative and protective action locations (BMPs) as described in the 2008 Long Pond Study. The Grant requires a 40% match and the set aside of these CPA funds will allow the Town to apply for the Grant. State approval of the grant award has been received as well as final approval from the EPA in 2011. The project is underway, including neighborhood outreach and High School student participation in the field and in class.
- Livingston Street State Cemetery Preservation, Clean-up and Fence - Awarded STM October 2009, \$15,000 to clean-up and fence-off an existing State Hospital Cemetery which is on a portion of the land to be transferred to the Town, subject to the Tewksbury State Hospital and State Division of Asset Management transfer of land known as the Saunders Recreational Facility to the Town of Tewksbury. May Town Meeting 2010 approved an additional \$27,000 for additional funding for the fence, which is proposed to be a wrought iron style rather than the previously approved funding for a chain link style fence. The State has agreed to transfer this land, as of this writing, the Town and the CPC await final deed transfer to move ahead with this project.
- Town Hall Records Preservation - Awarded STM October 2009, \$50,000 from the Community Preservation Fund's Historic Preservation Reserve Account to be expended by the Town Clerk to recover, preserve and protect Town records and archives. Part of this project is to fund recovery of 225.5 cubic feet of damaged documents due to water damage and high humidity in the Town Hall. This effort will be coordinated with the renovation and preservation of the Town Hall. Also awarded are \$375,000 CPA funds at May Town Meeting 2010 to complete this project.

In 2011, the Town Clerk began the comprehensive project to digitize all of the 80,000+ vital records at the Town Hall, to be completed in early 2012. In addition to the preservation of the records, this digitalization will increase efficiency at the Town Clerk's office by enabling staff to retrieve records directly from their desktop computers.

In 2013, the Town Clerk oversaw the temporary relocation of the Town Hall to the Pike House. The awarded 2009 damaged archives project was completed and the 2010 awarded project has begun.

- In May 2011 an application was submitted and subsequently in November 2011, the U.S. Department of Housing and Urban Development announced its 5.3 million dollar grant award for the HUD Section 202 Senior Housing in Tewksbury. In May 2008, Town Meeting approved Tewksbury Community Preservation Funds of \$150,000 which were attached in support of the grant application for construction of 32 Affordable Senior Supportive Services Housing units off

Livingston Street, near Saunders Circle. Construction began late Spring 2013. This housing is on schedule to open in June 2014.

- Ella Flemmings School: In May 2012, the School Department was awarded \$275,000 in CPA funds to rehabilitate the historic Ella Flemmings School, 1503 Andover Street, including expenses as necessary for replacement of the boiler and exterior rehabilitation including roof, trim boards, doors, windows, siding, exterior paint and the like. In 2013 the Town and the School Department sought an architect to oversee this project.
- Five New Tennis Courts: In October 2012, the Town voted to appropriate the sum of \$375,000 to create a new recreational use through construction of 5 new tennis courts and associated fence on the campus of Tewksbury Memorial High School, at the request of the Town Manager and the Friends of Tewksbury Tennis. Construction began Summer 2013 and is almost completely finished as of this writing.
- Tewksbury Rail Trails Study: At May Annual Town Meeting 2013, the Town voted to approve \$35,000 for the purpose of developing a bicycle and walking trails feasibility study. A Bicycle & Pedestrian Advisory Committee has been established by the Selectmen and work progresses to begin this Study.
- Wamesit Indian Statue Restoration: At May Annual Town Meeting 2013, the Town voted to appropriate the sum of \$7,500 for the restoration and preservation of the Wamesit Indian Statue. This included a soft sandblasting to remove corrosion, replacement of bronze patina and the addition of a protective coating. This project was completed in the fall of 2013.
- Athletic Field: At May Special Town Meeting 2013, the Town voted to approve \$600,000 for the construction of an Athletic Field at the new High School campus. This project had matching funds from a PARC Grant and private funds from the Friends of the Tewksbury Athletic Complex. This project was completed in the fall of 2013.
- Playground Rehabilitation: At October Special Town Meeting 2013, the Town voted to approve \$350,000 to rehabilitate existing playgrounds at the Town's Elementary Schools, the playground site at Livingston Street Recreation Area, including and surrounding Funway Park.

The Community Preservation Committee looks forward to working on these and future proposals that contribute to the overall community benefits inherent to the Act.

Respectfully submitted,

Nancy Reed, Chair

Community Preservation Committee





## **October 1, 2013 Special Town Meeting:**

### **Article 14 – CPA Housing Funds- Transfer to AHTF**

To see if the Town will vote to appropriate \$248,380 from the Community Preservation Fund's Community Housing Reserve Account to be transferred to the Tewksbury Affordable Housing Trust Fund, as proposed by the Local Housing Partnership and recommended for adoption by the Community Preservation Committee

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Tewksbury Town Manager or to take any other action thereon.

Community Preservation Committee

Executive Summary: This is the accumulated balance of the mandatory 10% set aside for community housing purposes. This request is to transfer the \$248,380 in CPA funds to the Affordable Housing Trust Fund (AHTF) so that when an affordable housing opportunity presents itself the Local Housing Partnership and the Board of Selectmen can act expeditiously.

### **Article 15 – Playgrounds at Livingston and Elementary Schools**

To see if the Town will vote to appropriate the sum of \$350,000 to rehabilitate existing playgrounds at the Town's Elementary Schools, the playground site at Livingston Street Recreation Area, including and surrounding Funway Park and to include allowed costs incidental and related thereto;

To fund such rehabilitation, \$200,000 shall be transferred from the Community Preservation Fund's Open Space Reserve Account and \$150,000 shall be transferred from the Community Preservation Undesignated Reserve Account. .

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Tewksbury Town Manager or to take any other action thereon.

Community Preservation Committee

Executive Summary: This request will allow for approximately \$200,000 to be spent at Funway Park and its surrounding area for replacement of the existing playground equipment and other associated improvements. The \$150,000 will be used at the elementary schools at approximately \$37,500 per school for the replacement of the existing playground equipment with accessible age appropriate equipment. The use of Community Preservation Funds to rehabilitate existing playgrounds is an allowed use of the funds.

**May 2014 Annual Town Meeting:**

**FY 2015 CPA BUDGET ARTICLE:**

**Article 16**

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2015, with each item to be considered a separate appropriation:

Appropriations:

Administrative Costs	\$ 40,305
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Reserves:

Open Space	\$ 80,611
Community Housing	\$ 80,611
Historic Preservation	\$ 80,611
FY2014 Budgeted Reserve	\$ 523,970

Or take any other action related thereto.

Community Preservation Committee

Executive Summary: Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or reserve for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

The total CPA Estimated FY15 revenue is \$806,108.

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**FY 2014 Extra State Matching Funds CPA BUDGET ARTICLE:**

**ARTICLE 15**

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2014, with each item to be considered a separate appropriation:

Reserves:

Open Space	\$ 20,400
Community Housing	\$ 20,400
Historic Preservation	\$ 20,400

Or take any other action related thereto.

Community Preservation Committee

Executive Summary: Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or reserve for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

The State of Massachusetts contributed an extra \$25 Million Dollars in November 2013 to the State CPA fund for distribution to cities and towns in the Commonwealth who are CPA municipalities. This is over and above the revenue acquired through the fees at the Registry of Deeds throughout the State which are used to fund the State's CPA fund.

Tewksbury's total extra State Match in November 2013 for FY2014 was \$204,500 above the Estimated 155,500 CPA State Match revenue adopted at May Town Meeting in 2013. This article accounts for Tewksbury's share of these matching funds for each of the three 10% reserve funds, which were not accounted for or anticipated at Town Meeting- May 2013.

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## **Town Hall Rehabilitation, Amendment and Article as Amended**

### **ARTICLE 13**

To see if the Town of Tewksbury will vote to appropriate and transfer from available Tewksbury Community Preservation Funds in accordance with the Community Preservation Act the sum of \$825,000 to rehabilitate the historic Tewksbury Town Hall and Town Common, 1009 Main Street; including allowed costs incidental and related thereto; said rehabilitation expenses as necessary for Town Hall and Common to continue to serve as an historic municipal services facility and community meeting place, as required by Massachusetts General Law, Section 2 of Chapter 44B, The Community Preservation Act.

To fund such rehabilitation:

\$825,000 shall be transferred from the Tewksbury Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Town Manager or to take any other action thereon.

Community Preservation Committee

#### **Amendment to the Article:**

Delete "\$825,000" in the first sentence and replace with \$1,412,000

After :“ To fund such rehabilitation:”

Delete: “\$825,000 shall be transferred from the Tewksbury Community Preservation Fund Budgeted Reserve,” and replace with:

“\$600,000 shall be transferred from the Tewksbury Community Preservation Fund Budgeted Reserve and \$812,000 shall be transferred from the Tewksbury Community Preservation Fund Undesignated Fund Balance,”

#### **Article as Amended:**

To see if the Town of Tewksbury will vote to appropriate and transfer from available Tewksbury Community Preservation Funds in accordance with the Community Preservation Act the sum of **\$1,412,000** to rehabilitate the historic Tewksbury Town Hall and Town Common, 1009 Main Street; including allowed costs incidental and related thereto; said rehabilitation expenses as necessary for Town Hall and Common to continue to serve as an historic municipal services facility and community meeting

place, as required by Massachusetts General Law, Section 2 of Chapter 44B, The Community Preservation Act.

To fund such rehabilitation:

**\$600,000 shall be transferred from the Tewksbury Community Preservation Fund Budgeted Reserve and \$812,000 shall be transferred from the Tewksbury Community Preservation Fund Undesignated Fund Balance, or take any action relative thereto.**

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Town Manager or to take any other action thereon.

Community Preservation Committee

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### **Wamesit and Muster Parks Rehabilitation**

#### **ARTICLE 14**

To see if the Town of Tewksbury will vote to appropriate the sum of \$70,000 for the rehabilitation of the Wamesit Park, Main Street and \$50,000 to rehabilitate Muster Park including allowed costs incidental and related thereto; said expenses as necessary for drainage improvements and landscaping of said Parks.

To fund the Wamesit Park rehabilitations, \$70,000 shall be transferred from the Tewksbury Community Preservation Undesignated Reserve Fund.

To fund the Muster Park rehabilitations, \$50,000 shall be transferred from the Tewksbury Community Preservation Open Space Reserve Fund.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Planning Board, the Town Manager and the Community Preservation Committee or to take any other action thereon.

Community Preservation Committee

#### **Executive Summary**

The Community Preservation Committee requests CPA funds to set aside for the rehabilitation of Muster Park, including landscaping, to be used once the South Street Cell Tower is relocated after 2015, when the contract for the Tower is up for renewal. The CPC also requests funds to rehabilitate Wamesit Park, another landmark park resource on Main Street. The sites are home to two of several sculptures by the distinguished artist Mico Kaufman: the Wamesit Indian Statue and the Firemen's Muster Statue. The Wamesit Project has matching funds in place in the amount of \$25,000 which were a donation from Walmart as part of the Planning Board's effort to improve the Wamesit Park. Landscaping and drainage plans for Wamesit Park have been designed by a Landscape Architect, under the direction of the Planning Board, Town DPW and other Town staff.